

**Statement**  
**of**  
**Christopher Kearney**  
**Deputy Assistant Secretary for Policy and International Affairs**  
**United States Department of the Interior**  
**before the**  
**House Committee on Resources**  
**regarding H.R. 521,**  
**May 8, 2002**

Mr. Chairman and members of the Committee, it is a pleasure for me to appear before you today to discuss the Administration's views on H.R. 521 - a bill to amend the Organic Act of Guam to clarify Guam's local judicial structure. H.R. 521 would establish the local court system of Guam as a third co-equal, and unified branch of government, alongside the legislative and executive branches of the Government of Guam.

Enacted by the Congress, the Organic Act of Guam is similar to a constitution in any of the fifty states. Amendments over time have continually added to self-government in the territory. The Organic Act established a legislature. It was later amended to change the executive from an appointed Governor to an elected Governor, and in 1984, to authorize the Legislature to establish a local appeals court. In 1994, under the authority granted in the Organic Act, the Legislature of Guam established the Supreme Court of Guam. But, two years later, the Legislature removed from the Supreme Court its administrative authority over the Superior Court of Guam. Since then Guam has a bifurcated local court system at a time when virtually all states have unified court systems.

H.R. 521 would amend the judicial provisions of the Organic Act of Guam to specifically name the Supreme Court of Guam as Guam's appellate court, and outline the powers of the Supreme Court, including full administrative authority for the Supreme court over the local court system.

It is argued that only an act of Congress can bring unity and dignity to Guam's local courts. Proponents of H.R. 521 suggest that if the Legislature retains control, the court system is subject to influence by the Legislature. Only by placing local court authority in Guam's "constitution" - the Organic Act of Guam - can the judiciary of Guam be a co-equal and independent branch of the Government of Guam. Opponents suggest that the system is working fine, and that an administrative function divided between the Supreme Court and Superior Court is healthy for judicial system.

The structure of Guam's local judiciary is largely a self-government issue for Guam. As such, opinion from Guam should be given the greatest consideration, as long as issues of overriding Federal interest are not involved. In 1997, the Executive branch examined H.R. 2370, an earlier version of the bill under consideration today. A number of suggestions were made for improving the bill and harmonizing it with the

Federal court system. H.R. 521 includes the suggested modifications in language. The Administration, therefore, has no objection to the enactment of H.R. 521 in its present form.

####